

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AUGUSTINE MONRROY,)	Case No. 10-2852 SC
)	
Plaintiff,)	ORDER TO SHOW CAUSE WHY CASE
)	<u>SHOULD NOT BE DISMISSED</u>
v.)	
)	
BANK OF AMERICA CORPORATION,)	
)	
Defendant.)	
)	

Plaintiff Augustine Monrroy ("Plaintiff") filed this action in Superior Court of the State of California for the County of San Mateo. See Notice of Removal, ECF No. 1. On June 28, 2010, Defendant Bank of America Corporation ("Defendant") removed this action to federal court on the basis of diversity jurisdiction. Id. Plaintiff's counsel was served with Notice of Removal on the same day. Id. Plaintiff has not filed a motion to remand the case.

On July 6, 2010, Defendant filed a motion to dismiss Plaintiff's complaint. ECF No. 7. Plaintiff has yet to file an Opposition or Statement of Non-Opposition.

IT IS HEREBY ORDERED that Plaintiff Augustine Monrroy is to appear in Courtroom No. 1, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California, on August 13, 2010 at 10:00 a.m., to show cause why this action should not be

1 dismissed for failure to prosecute. Bank of America Corporation
2 shall serve this Order to Show Cause on Plaintiff and file with
3 the Court a Proof of Service within five (5) days of this Order.

4 FAILURE TO COMPLY WITH THIS ORDER WILL BE DEEMED SUFFICIENT
5 GROUNDS FOR DISMISSAL WITH PREJUDICE.

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7 IT IS SO ORDERED.

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9 Dated: August 3, 2010

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11 UNITED STATES DISTRICT JUDGE
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